

REMARKS

In the **non-final** Office Action mailed October 20, 2011, the Office noted that claims 17, 21-23, 25, 27, 31 and 33 were pending and rejected claims 17, 21-23, 25, 27, 31 and 33. In this response no claims have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 17, 21-23, 25, 27, 31 and 33 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for scheduling the Interview for December 20, 2011. Arguments were forwarded to the Examiner prior to the Interview. The Examiner stated that such arguments would only be accepted in a formal written reply which is submitted here.

REJECTIONS under 35 U.S.C. § 103

Claims 17, 27 and 31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yokogawa, U.S. Patent No. 5,608,715 in view of Nagano, U.S. Patent No. 6,188,653. The Applicants respectfully disagree and traverse the rejection with an argument.

On page 2 of the Office Action it is asserted that Yokogawa teaches "an information recording medium [...] a

management information area to record therein at least (i) first recording condition information [...] and (ii) second recording condition information [...] (see col. 3, lines 61 to 63; col. 6, line 39 to col. 7, line 15, see also figs. 22 and 23)."

However, Yokogawa merely discloses ROM type optical disk having two light reflecting layers (see col. 3, lines 61 to 63). Because the optical disk disclosed in Yokogawa is a ROM (Read Only Media) type, there is no suggestion or motivation to record the information by using the laser light with an optimum recording condition (e.g. the optimum strategy). Thus, it is hardly possible that Yokogawa discloses the "first and second condition information" of claims 17, 27 and 31, because (i) the "first and second condition information" of claims 17, 27 and 31 are related to the recording operation of the information recording apparatus, (ii) the "first and second condition information" of claims 17, 27 and 31 are used when the information is newly recorded, and (iii) the information cannot be newly recorded into the ROM type optical disk disclosed in Yokogawa.

Further, it seems to us that the Office interpreted the "TOC (Table of Contents) data" disclosed in Yokogawa as the "first and second recording condition information" of claims 17, 27 and 31. However, the TOC data disclosed in Yokogawa is merely allocation data for all recorded data in the disk that is equivalent to TOC data as used in an ordinary CD (see col. 14,

lines 39 to 41 in Yokogawa). Namely, the TOC data disclosed in Yokogawa merely indicates where position on the disk each of the recorded data is recorded, and does not indicate the optimum recording condition (optimum strategy) at all. Thus, it is hardly possible that Yokogawa discloses the "first and second condition information" of claims 17, 27 and 31.

The Office has not asserted and Applicants have not found that Nagano teaches such a feature.

Thus, for at least the reasons discussed above, Yokogawa and Nagano, taken separately or in combination, fail to render obvious the features of claims 17, 27 and 31 and the claims dependent therefrom.

Claims 21-23, 25 and 33 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yokogawa in view of Nagano in view of Lee, U.S. Patent No. 7,113,475. The Applicants respectfully disagree and traverse the rejection with an argument.

Lee adds nothing to the deficiencies of Yokogawa and Nagano as applied against the independent claims. Therefore, for at least the reasons discussed above, Yokogawa, Nagano and Lee, taken separately or in combination, fail to render obvious claims 21-23, 25 and 33.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 17, 21-23, 25, 27, 31 and 33 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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